

S.R. 456 - By Doggett: Extending congratulations to Mrs. Elspeth Davies Rostow.

S.R. 457 - By Leedom: Applauding the efforts of the National Youth "Living" Hall of Fame Foundation.

S.R. 458 - By Leedom: Extending congratulations to Ernest Tubb.

S.R. 459 - By Caperton: Extending welcome to the Stephen F. Austin Social Studies Club of Bryan.

S.R. 462 - By Parmer: Expressing gratitude to Marsha Anne Franklin.

S.R. 463 - By Parmer: Recognizing the week of April 24th to April 30th, 1983, as Professional Secretaries Week and Wednesday, April 27, 1983, as Professional Secretaries Day.

S.R. 466 - By Whitmire: Extending congratulations to Allen Ross Parker, Sr.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, April 18, 1983.

APPENDIX

Signed by Governor
(April 12, 1983)

H.C.R. 42

H.C.R. 36

H.C.R. 37

H.C.R. 140

H.C.R. 132

FIFTY-SECOND DAY

(Monday, April 18, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Absent-excused: Washington, Whitmire.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

Father in Heaven, what a gift You've given us again today - the chance to do justice, love mercy and walk humbly with our God.

All we lack is the courage to say "yes" and the strength to walk with You. For these we pray.

Father, what an awesome task to place before us today! Something You cannot do -

To translate the abstract idea of justice into concrete actions that will change our world. Grant us the wisdom to know how.

In the name of the One who made the abstract concrete for us all, even Jesus Christ the Lord. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 14, 1983, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 1096

On motion of Senator Uribe and by unanimous consent, Senator Santiesteban will be shown as Co-author of S.B. 1096.

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 139, Relating to special license plates for members of Texas Army National Guard, Texas Air National Guard, and Texas State Guard and to fees for their issuance and replacement.

S.B. 164, Relating to the compensation of the court manager of certain courts in counties with a population over 2,000,000.

S.B. 210, Relating to suits involving Pan American University.

S.B. 211, Relating to the fiscal management and operations of Pan American University.

S.B. 235, Relating to the University of Houston System and the powers and duties of its board of regents; providing for the creation of a new university and changing the names of universities within the system.

S.B. 347, Relating to the creation, jurisdiction, court terms, judges and other personnel, and administration of the County Criminal Courts at Law Nos. 11 and 12 of Harris County, Texas.

S.B. 421, Relating to the powers and duties of juvenile boards and the establishment of a juvenile board in counties where none exist or jointly by two or more counties. (With amendment)

S.B. 422, Relating to changing the name of the Texas Youth Council to the Texas Youth Commission.

S.B. 486, Relating to the creation, board of directors, administration, powers, duties, operation, expansion, and financing of the Wheeler County Water Supply District.

S.B. 508, Relating to the disposition of certain hospital district records.

H.B. 359, Relating to the compensation of the judges of the district courts in Hidalgo County.

H.B. 401, Relating to the amount of per diem to which a member of a State board or commission is entitled.

H.B. 430, Relating to the purposes for which cities may engage in zoning.

H.B. 455, Relating to operating a motor vehicle, trailer, or semi-trailer with expired registration.

H.B. 484, Relating to the per diem for members of the Texas Board of Human Resources.

H.B. 501, Relating to landowner consent for hunting or discharging firearms in certain counties.

H.B. 524, Relating to the rulemaking procedure of the Department of Agriculture and the Texas Animal Health Commission.

H.B. 553, Relating to sale of property of a minor by a parent without guardianship.

H.B. 618, Relating to the duties of the county attorney of Andrews County and the district attorney of the 109th Judicial District.

H.B. 697, Relating to the application of the Professional Prosecutors Act to the criminal district attorney of Cass County.

H.B. 724, Relating to the reorganization of the 28th Judicial District and the compensation of the district judges in Kleberg County.

H.B. 954, Relating to criminal trespass on land where crops are grown.

H.B. 970, Relating to the creation of a juvenile board in each of the counties of Blanco, Burnet, Llano, Mason, and San Saba.

H.B. 1011, Relating to establishment of a juvenile board for Dallam County.

H.B. 1013, Relating to establishment of a juvenile board in each of the counties of Kimble and Menard.

H.B. 1031, Relating to the creation of the County Court at Law of Kleberg County.

H.B. 1111, Relating to the date a voter registration application by mail is deemed to be received by the voter registrar.

H.B. 1212, Relating to continuing legal education and training for certain judges.

H.B. 1243, Relating to establishment of a juvenile board in Sherman County.

H.B. 1250, Relating to the election, terms of office, and compensation of directors of the Orange County Drainage District of Orange County.

H.B. 1254, Relating to establishment of a juvenile board in McCulloch County.

H.B. 1341, Relating to compensation of members of governing boards of water control and improvement districts, fresh water supply districts, municipal utility districts, water improvement districts, drainage districts, and levee improvement districts.

H.B. 1368, Relating to the failure of certain persons to maintain records of the source of citrus fruit.

H.B. 1440, Relating to jurisdiction and other provisions pertaining to the County Court at Law of Hunt County and to the judge and special judges of that court.

H.B. 1441, Relating to the establishment and powers of a juvenile board in Wood County.

H.B. 1725, Relating to the administration of children's protective services in Harris County.

H.B. 1845, Relating to the duration of a city contract concerning solid waste management.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 7
S.C.R. 14
S.C.R. 16
S.C.R. 17
S.C.R. 18
S.C.R. 53

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 901

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 532
S.B. 948 (Amended)
S.B. 1020

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Sarpalius and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1329 by Sarpalius Finance
Relating to the sales and use tax exemption for solar energy devices.

S.B. 1330 by Sarpalius Intergovernmental Relations
Relating to establishment of a juvenile board for Hansford County.

S.B. 1331 by Farabee Intergovernmental Relations
Relating to establishment of a juvenile board in Denton County.

S.B. 1332 by Edwards Education
Relating to coordinating board approval of junior college construction financed with funds from a source other than the state and to use of student fees for junior college construction.

S.B. 1333 by Edwards Education
Relating to courses held by a community college in facilities of a school district located outside the community college district.

S.B. 1334 by Truan Intergovernmental Relations
Relating to payment of the salary of the official court reporter for the 105th Judicial District.

S.B. 1335 by Truan Intergovernmental Relations
Relating to the creation of the County Court at Law No. 4 of Nueces County.

S.B. 1336 by Uribe Intergovernmental Relations
Relating to the county courts at law in Cameron County.

S.B. 1337 by Mauzy Education
Relating to a loan program for students preparing to teach primary and secondary grade subjects for which teachers are critically needed.

S.B. 1338 by Farabee State Affairs
Relating to electronic transmission procedures under the Administrative Procedure and Texas Register Act; amending Section 3 and Subsections (a) and (d), Section 8, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

S.C.R. 77 by Blake Administration
Granting Howard Daniels, Jr., permission to sue the State.

RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 118, To Committee on Administration.

SENATE RESOLUTION 465

Senator Howard offered the following resolution:

S.R. 465, Congratulating Robert L. Lewis on an outstanding career with the State Department of Highways and Public Transportation.

The resolution was read and was adopted.

On motion of Senator Henderson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Howard escorted Mr. and Mrs. Lewis to the President's Rostrum.

The President presented Mr. Lewis with an enrolled copy of **S.R. 465**.

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

C.S.S.J.R. 13, Proposing a constitutional amendment requiring the governor to appoint the full membership of the Board of Pardons and Paroles and eliminating the governor's power to revoke paroles. (As substituted)

S.B. 86, Relating to vehicles hauling loose materials on highways; providing penalties.

S.B. 186, Relating to a supplemental appropriation to the treasury department.

H.J.R. 59, A joint resolution proposing a constitutional amendment to authorize broadened investment authority for certain veteran, public school, university, and statewide retirement system funds.

H.B. 2, Relating to the enforcement of court-ordered child support.

H.J.R. 105, A joint resolution proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

H.B. 369, Relating to the creation of a farm and ranch finance program.

H.B. 555, Relating to the location of annexation hearings conducted by a city.

H.B. 593, Relating to the continuation of the Railroad Commission of Texas.

H.B. 741, Relating to the deadline for filing an application for a place on a primary election ballot.

H.B. 1046, Relating to authorized investments for a portion of the veterans' land fund, the permanent school fund, the permanent university fund, and funds of the Teacher Retirement System of Texas, the Employees Retirement System of Texas, the Texas County and District Retirement System, and the Texas Municipal Retirement System.

H.B. 1148, Relating to the qualifications of the presiding judge and the clerks serving at a central counting station.

H.B. 1445, Relating to the assessment of administrative penalties by the Railroad Commission of Texas to enforce certain laws within its jurisdiction.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE CONCURRENT RESOLUTION 76

Senator Lyon offered the following resolution:

WHEREAS, With the retirement of the Honorable Peyton McKnight from the Texas Senate, the State of Texas lost the services of a venerable statesman whose career was marked by progress and outstanding contributions to the citizens of his beloved state; and

WHEREAS, From his early boyhood years in the small East Texas towns of Alba and Quitman, Senator McKnight displayed the courage, compassion, and resoluteness of purpose that would distinguish his later career; and

WHEREAS, After his valiant service in the United States Army Air Corps during World War II flying combat missions, Senator McKnight graduated from Texas A&M University in 1947; and

WHEREAS, While a student at The University of Texas School of Law, Senator McKnight was elected to the Texas House of Representatives; a stand-out member of the freshman class of 1949, Senator McKnight effectively championed the cause of our mentally retarded as he was instrumental in establishing the Texas Department of Mental Health and Mental Retardation; and

WHEREAS, Determined to upgrade the quality of services provided the citizens of this state, Senator McKnight was an ardent advocate of prison reform and the Gilmer-Aiken program for public schools; he also helped enact the Highway Safety Code; and

WHEREAS, Appointed United States Marshal for the Eastern District of Texas in 1953 at the age of 28, Senator McKnight made history by becoming the youngest person so appointed; and

WHEREAS, A highly successful independent oil producer, Senator McKnight was selected for membership in the prestigious All-American Wildcatters Association in 1973; and

WHEREAS, A loyal and enthusiastic Aggie, Senator McKnight served a six-year term on the Texas A&M University Board of Regents prior to his election to the Texas Senate in 1972; and

WHEREAS, A dyed-in-the-wool Democrat and former member of the State Democratic Executive Committee, Senator McKnight helped create the Sabine River Authority and further served the citizens of this state as a member of the authority; and

WHEREAS, During his 10 years of service in the Texas Senate, Senator McKnight capably and conscientiously addressed the needs of his East Texas constituency; he was responsible for passing legislation changing Texas Eastern University to The University of Texas at Tyler and changing East Texas Chest Hospital to The University of Texas Health Center at Tyler; and

WHEREAS, In recognition of his untold contributions to the East Texas area and his distinguished leadership in education and service to the state, Senator McKnight received an Honorary Doctor of Laws Degree from The University of Texas at Tyler on August 3, 1979; and

WHEREAS, Senator McKnight effectively steered the course of the Senate Subcommittee on Nominations as chairman and was a highly respected member of the State Affairs, Economic Development, and Finance committees; and

WHEREAS, Senator McKnight's oil expertise was valued by the Texas Energy and Natural Resources Advisory Council and the Regulatory Practices Committee of the Interstate Oil Compact Commission which he served on during his legislative career; and

WHEREAS, An active member of the Christ Episcopal Church in Tyler, Senator McKnight is involved in numerous community organizations throughout the East Texas area; and

WHEREAS, Senator McKnight's accomplishments would not have been possible without the love and encouragement of his lovely wife, Ann, his two daughters, and his three grandchildren; and

WHEREAS, The long and distinguished career of the esteemed former Senator from Tyler, the Honorable Peyton McKnight, is truly worthy of legislative recognition and commendation; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 68th Legislature, the House of Representatives concurring, That April 18, 1983, be proclaimed Peyton McKnight Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Peyton McKnight as an expression of highest regard and esteem from the Texas Legislature.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lyon and by unanimous consent, the resolution was considered immediately and was adopted.

GUESTS PRESENTED

Senator Lyon presented Mrs. Linda Gale White; Senator McKnight's family, his wife, Ann; daughters and sons-in-laws, Mr. and Mrs. John Paul (Molly) Price and Mr. and Mrs. David (Jane) Fender.

Senator Lyon then introduced a delegation from the City of Tyler, pointing out it was "Tyler and Peyton McKnight Day" today in Austin.

The President presented Senator McKnight an enrolled copy of S.C.R. 76.

Senator McKnight addressed the Senate, expressing his appreciation of the honor paid to him today.

SENATE BILL 557 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 557, Relating to prohibiting instigation; encouragement, promotion, training, and all acts in furtherance of dogfighting; providing penalties.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Amend **S.B. 557** as follows:

(1) On page 2, between line 47 and 48 insert the following:

SECTION 7. EXCEPTION. It is an exception as provided by Section 2.02, Penal Code, under this Act that the actor owned, trained, or caused a dog to fight with another dog to protect livestock, other property, or a person from the other dog, and for no other purpose.

(2) On page 2, line 48, renumber Section 7 as Section 8.

(3) On page 2, line 50, renumber Section 8 as Section 9.

The amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 557 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 557** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 186 (Signed subject to Art. III,
Sec. 49a of the Constitution)

SENATE BILL 761 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 761, Relating to conforming the Agriculture Code, Texas Education Code, Family Code, Human Resources Code, Natural Resources Code, Parks and Wildlife Code, Tax Code, Water Code, and related statutes to the laws from which those codes are derived, to laws enacted after the date of enactment of all or parts of those codes and laws, and to judicial opinion.

The bill was read second time and was passed to engrossment.

SENATE BILL 761 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 761** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed.

SENATE BILL 718 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 718, Relating to the regulation of real estate brokers and salesman and declaring an emergency.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **S.B. 718** by deleting lines 5-14 on page 2 and substituting the following:

(d) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission.

The amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 718 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 718 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 82 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 82, Relating to a requirement that a dental hygienist receive training in cardiopulmonary resuscitation; absolving a dental hygienist from liability except in certain situations; amending Section 1, Article 4550a, Revised Statutes, as amended, and Chapter 475, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4551e, Vernon's Texas Civil Statutes), by amending Section 5 and adding Section 6.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 82 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 199 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 199, Relating to the regulation of the practice of dentistry and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 199 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 199 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 255 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 255, Relating to the authority of an insurer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance; amending Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, 1955, as added (Article 3.70-2, Vernon's Texas Insurance Code).

The bill was read second time.

(Senator Lyon in Chair)

Senator Vale offered the following amendment to the bill:

Amend **C.S.S.B. 255** by adding a new SECTION 2 and renumbering the present SECTION 2 as SECTION 3:

SECTION 2. This Act applies to all policies of accident and sickness insurance, including policies issued by companies subject to Chapter 20, Texas Insurance Code, delivered or issued for delivery or renewed, extended, or amended in this state on or after January 1, 1984. With respect to any policy forms approved by the State Board of Insurance prior to the effective date of this Act, an insurer is authorized to achieve compliance with this Act by the use of endorsements or riders provided such endorsements or riders are approved by the State Board of Insurance as being in compliance with this Act and other provisions of the Texas Insurance Code.

The amendment was read and was adopted.

On motion of Senator Vale and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 255 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 255** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 653 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 653, Relating to the licensing and regulation of chiropractors; amending Sections 14a and 14b, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 653 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 653 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed.

(President in Chair)

SENATE BILL 1141 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1141, Relating to the regulation of manufacturers and sellers of new motor vehicles and the protection of purchasers of new motor vehicles.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Amend **S.B. 1141** as follows:

(1) Delete all language beginning with the word "Motor" on page 1, line 11 and ending with the period following the word "chassis" on page 1, line 20.

(2) Insert the following after the figure "(1)" on page 1, line 11:

"Motor vehicle" means:

"(A) every fully self-propelled vehicle which has as its primary purpose the transport of a person or persons, or property, on a public highway, and having two or more wheels [-];

"(B) every two or more wheeled fully self-propelled, titled vehicle which has as its primary purpose the transport of a person or persons, or property, and is not manufactured for use on public streets, roads or highways; or

"(C) an engine, transmission or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of a person or persons, or property, on a public highway and having a Gross Vehicle Weight Rating of more than 16,000 pounds, whether or not attached to a vehicle chassis."

(3) On page 5, add the following after the word "the" at the end of line 27: "manufacturer, distributor, or representative."

(4) On page 13, line 2, insert the following between the word "notification" and the word "from": "in writing".

The committee amendment was read and was adopted.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1141** as follows:

(1) On page 3, strike all language beginning with the bracket on line 8 and ending with the bracket on line 10 and insert the following:

"and within a reasonable time after receipt of an order to a dealer having a franchise agreement for the retail sale of".

(2) On page 3, strike all language beginning with the bracket on line 27 and ending with the bracket on line 28 and insert the following:

“is good cause for the termination of noncontinuance.
The “.

The amendment was read and was adopted.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 1141** as follows:

(1) On page 3, strike all language on lines 51 through 57 and substitute the following:

“(6) Notwithstanding the terms of any franchise agreement, fail to give effect to or attempt to prevent any sale or transfer of a dealer, dealership or franchise or interest therein or management thereof unless it is shown to the Commission after hearing that the result of such sale or transfer will be detrimental to the public or the representation of the manufacturer or distributor.”

(2) On page 4, after line 49 and before line 50, insert the following:

“(13) Notwithstanding the terms of any franchise agreement, deny or withhold approval of a written application to relocate a franchise unless (A) the dealer and the Commission have received written notice within 60 days after receipt of the application setting forth the specific grounds for the denial or withholding of approval, and (B) if the dealer files a protest with the Commission, it is established by a preponderance of the evidence at a hearing called by the Commission that the denial or withholding of approval was reasonable.”

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 3

Amend **S.B. 1141** by striking everything beginning with the underlined comma following the word “price” on page 5, line 26 and ending with and including the underlined comma following the word “fees” on page 5, line 27.

The amendment was read and was adopted.

(Senator Caperton in Chair)

Senator Parmer offered the following amendment to the bill:

Floor Amendment No. 4

Amend **S.B. 1141** as follows by adding the following after the period following the word “period” on page 5, line 18: This section does not in any way limit the remedies available to an owner under a new motor vehicle warranty that extends beyond the one year period covered by this section.

The amendment was read and was adopted.

Senator Parmer offered the following amendment to the bill:

Floor Amendment No. 5

Amend **S.B. 1141** by adding the following after the period following the word “amended” on line 67 of page 5:

“The provisions of this section are available in an action against a manufacturer or distributor brought under Chapter 17, Business and Commerce Code after the

owner has exhausted the administrative provisions provided by this section. Any action brought under the provisions of this section shall be by trial de novo."

The amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1141 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1141 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

MOTION TO PLACE SENATE BILL 603 ON SECOND READING

Senator Farabee asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 603, Relating to the punishment of habitual offenders.

There was objection.

Senator Farabee then moved to suspend the regular order of business and take up **S.B. 603** for consideration at this time.

The motion was lost by the following vote: Yeas 16, Nays 11, Present-not voting 1. (Not receiving two-thirds vote of the Members present)

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Harris, Mauzy, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Glasgow, Henderson, Howard, Kothmann, Leedom, Montford, Sharp, Sims, Traeger.

Present-not voting: Jones.

Absent: Lyon.

Absent-excused: Washington, Whitmire.

SENATE BILL 410 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 410, Relating to student centers at Lamar University at Orange and Lamar University at Port Arthur.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend Section 1 of **S.B. 410**, Subchapter C, Chapter 108 of the Education Code by adding subsection c to Section 108.361 to read as follows:

(c) The decision to levy a student center fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

The committee amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 410 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 39, the President announced the appointment of the following as a Committee to Escort the Honorable Gary Hart, Senator from Colorado, to the Joint Session: Senators Jones, Mauzy, Vale, Parmer and Brooks.

RECESS

On motion of Senator Mauzy, the Senate at 12:26 o'clock p.m. today took recess until 2:00 o'clock p.m. today, and on conclusion of the Joint Session, the Senate agreed to recess until 3:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

JOINT SESSION

(To hear address of The Honorable Gary Hart, Member of United States Congress from Colorado)

The President announced that the hour for the Joint Session of the two Houses to hear the address of Senator Gary Hart, pursuant to the provisions of S.C.R. 39, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House at 2:00 o'clock p.m.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The Honorable Gary Hart, accompanied by members of his party, was announced by the Doorkeeper of the House.

The Senator's party was escorted to the Speaker's Rostrum by Senators Jones, Mauzy, Vale, Parmer and Brooks on the part of the Senate and Representatives Cain, Collazo, Criss, Crockett, Hackney, E. F. Lee, A. Moreno, Wilson, Robinson, Denton, B. Barton, Armbrister, G. Thompson and Danburg on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House, announced a quorum of the House present and stated the purpose of the Joint Session.

The Speaker presented Senator Parmer who introduced Congressman Martin Frost.

The Speaker then presented Representative Cain who presented Senator Hart to the Joint Session.

Senator Hart addressed the Joint Session.

RECESS

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 2:35 o'clock p.m. would stand recessed, in accordance with a motion previously adopted in the Senate, until 3:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 3:00 o'clock p.m. and was called to order by the President.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Mauzy and by unanimous consent, the Senate at 3:09 o'clock p.m. resolved itself into the Committee of the Whole Senate with Senator Santiesteban presiding.

IN LEGISLATIVE SESSION

Senator Santiesteban at 3:26 o'clock p.m. called the Senate to order as In Legislative Session.

MEMORIAL RESOLUTIONS

S.R. 464 - By Doggett: Memorial resolution for William Ernest Parker.

S.R. 467 - By Montford: Memorial resolution for Campbell Elkins.

S.R. 470 - By Montford: Memorial resolution for Robert H. Stafford.

S.R. 471 - By Farabee: Memorial resolution for Dr. James B. Boren.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 145 - (Brown): Honoring the Sagemont Baptist Church.

S.R. 468 - By Montford: Commending Sheriff Dan Saunders.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 3:27 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 13, 1983)

S.B. 27 (Effective immediately)

S.B. 101 (Effective August 29, 1983)

S.B. 114 (Effective September 1, 1983)

S.B. 121 (Effective immediately)

S.B. 132 (Effective August 29, 1983)

S.B. 136 (Effective immediately)

S.B. 171 (Effective immediately)

S.B. 185 (Effective September 1, 1983)
S.B. 209 (Effective immediately)
S.B. 220 (Effective August 29, 1983)
S.B. 256 (Effective immediately)
S.B. 374 (Effective September 1, 1983)
S.B. 434 (Effective immediately)

Sent to Governor
(April 18, 1983)

S.C.R. 7
S.C.R. 14
S.C.R. 16
S.C.R. 17
S.C.R. 18
S.C.R. 53

Sent to Comptroller
(April 18, 1983)

S.B. 186

FIFTY-THIRD DAY (Tuesday, April 19, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

Our Father, we would pause to remind ourselves that life begins and ends with You. May our bowing be more than a custom, as we seek to orient our lives in the image of Your Son, Jesus. We are cognizant of the fact that we are not praying this morning in a church building, but in a building dedicated to public service. And yet we know You are beside us, behind us, in front of us in this place, because You care first and foremost for people.

The task before these Senators is so clear. We state it often in the model prayer You gave us: "Thy will be done." And yet how that will happen is so unclear. We have argued philosophies for generations. This room has seen countless debates on economic theory, human rights, the meaning of justice. The final answers will not be given today or even in this session. We live in this tension and pray not that we be proven right, but that what is finally done is right.

So Father, stand by these public servants as they wrestle with the difficult issues that confront our State. Strengthen them as they wrestle with the assignment of choosing. Grant wisdom greater than their own to find clarity amidst the